1	IN THE UNITED STATES D	ISTRICT COURT				
2	FOR THE NORTHERN DISTRICT OF CALIFORNIA					
3	SAN JOSE DIVISION					
4	GILEAD SCIENCES, INC.,	Case No. 5:13-cv-04057-BLF				
5	Plaintiff and Counterdefendant,	VERDICT FORM				
6	V.					
7 8	MERCK & CO., INC. (Defendant only), MERCK SHARP & DOHME CORP., and ISIS PHARMACEUTICALS, INC.					
9	Defendants and					
10	Counterclaimants.					
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1	We, th	ne jury, unanimously agree to the answer	ers to the following questions and return them under	
2	the instructions of this Court as our verdict in this case.			
3	I. U.S. P	ATENT NUMBER 7,105,499 ("THE	E '499 PATENT")	
4	A.	Claim 1.		
5	1.	Has Gilead proven by clear and con invalid for lack of written description	avincing evidence that Claim 1 of the '499 patent is on?	
6 7		Yes (Verdict for Gilead)	No (Verdict for Merck and Ionis)	
8	2.	Has Gilead proven by clear and con invalid for lack of enablement?	avincing evidence that Claim 1 of the '499 patent is	
10		Yes (Verdict for Gilead)	No (Verdict for Merck and Ionis)	
11				
12 13		If "YES" to Questions 1 and/or 2, answer Questions 3 and 4	If "NO" to both Questions 1 and 2, skip Questions 3 and 4	
14	L	and go to the next claim.	and go to the next claim.	
15 16	3.	Has Gilead proven by clear and con invalid for derivation from Jeremy	avincing evidence that Claim 1 of the '499 Patent is Clark?	
17		Yes (Verdict for Gilead)	No (Verdict for Merck and Ionis)	
18 19	4.	Has Gilead proven by clear and con invalid for prior invention by Jerem	avincing evidence that Claim 1 of the '499 Patent is ay Clark?	
20 21		Yes (Verdict for Gilead)	No (Verdict for Merck and Ionis)	
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B.	Claim 2.
1	. Has Gilead proven by clear and convincing evidence that Claim 2 of the '499 patent is invalid for lack of written description?
	Yes (Verdict for Gilead) No (Verdict for Merck and Ionis)
2	Has Gilead proven by clear and convincing evidence that Claim 2 of the '499 patent is invalid for lack of enablement?
	Yes (Verdict for Gilead) No (Verdict for Merck and Ionis)
	If "YES" to Questions 1 and/or 2, to both Questions 1 and 2,
	answer Questions 3 and 4 skip Questions 3 and 4 and go to the next claim.
3	. Has Gilead proven by clear and convincing evidence that Claim 2 of the '499 Patent is
	invalid for derivation from Jeremy Clark?
	Yes (Verdict for Gilead) No (Verdict for Merck and Ionis)
4	Has Gilead proven by clear and convincing evidence that Claim 2 of the '499 Patent is invalid for prior invention by Jeremy Clark?
	Yes (Verdict for Gilead) No (Verdict for Merck and Ionis)
	B. 1

1	II.	U.	S. PA	ATENT NUMBER 8,481,712 ("THE '712 PATENT")
2		A.	C	Claim 1.
3 4			1.	Has Gilead proven by clear and convincing evidence that Claim 1 of the '712 patent is invalid for lack of written description?
5				Yes (Verdict for Gilead) No (Verdict for Merck and Ionis)
6 7			2.	Has Gilead proven by clear and convincing evidence that Claim 1 of the '712 patent is invalid for lack of enablement?
8				Yes (Verdict for Gilead) No (Verdict for Merck and Ionis)
9				
10				If "YES" If "NO" to Questions 1 and/or 2, to both Questions 1 and 2,
11				answer Questions 3 and 4 skip Questions 3 and 4
12			<u> </u>	and go to the next claim. and go to the next claim.
13 14			3.	Has Gilead proven by clear and convincing evidence that Claim 1 of the '712 Patent is invalid for derivation from Jeremy Clark?
15				Yes (Verdict for Gilead) No (Verdict for Merck and Ionis)
1617			4.	Has Gilead proven by clear and convincing evidence that Claim 1 of the '712 Patent is invalid for prior invention by Jeremy Clark?
18				Yes (Verdict for Gilead) No (Verdict for Merck and Ionis)
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1	B.		Claim 2.
2		1.	Has Gilead proven by clear and convincing evidence that Claim 2 of the '712 patent is invalid for lack of written description?
3 4			Yes (Verdict for Gilead) No (Verdict for Merck and Ionis)
5		2.	Has Gilead proven by clear and convincing evidence that Claim 2 of the '712 patent is
6			invalid for lack of enablement?
7			Yes (Verdict for Gilead) No (Verdict for Merck and Ionis)
8			
9			If "YES" If "NO" to Overtions 1 and (or 2) to both Overtions 1 and 2
10			to Questions 1 and/or 2, answer Questions 3 and 4 to both Questions 1 and 2, skip Questions 3 and 4
11		Ĺ	and go to the next claim. and go to the next claim.
12		3.	Has Gilead proven by clear and convincing evidence that Claim 2 of the '712 Patent is
13			invalid for derivation from Jeremy Clark?
14			Yes (Verdict for Gilead) No (Verdict for Merck and Ionis)
15		4.	Has Gilead proven by clear and convincing evidence that Claim 2 of the '712 Patent is
16		••	invalid for prior invention by Jeremy Clark?
17			Yes (Verdict for Gilead) No (Verdict for Merck and Ionis)
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1	C.	Claim 3.
2	1.	Has Gilead proven by clear and convincing evidence that Claim 3 of the '712 patent is invalid for lack of written description?
3 4		Yes (Verdict for Gilead) No (Verdict for Merck and Ionis)
5	2.	Has Gilead proven by clear and convincing evidence that Claim 3 of the '712 patent is
6		invalid for lack of enablement?
7		Yes (Verdict for Gilead) No (Verdict for Merck and Ionis)
8		
9	Г	If "YES" If "NO"
10		to Questions 1 and/or 2, to both Questions 1 and 2, skip Questions 3 and 4
11	L	and go to the next claim. and go to the next claim.
12	3.	Has Gilead proven by clear and convincing evidence that Claim 3 of the '712 Patent is
13	J.	invalid for derivation from Jeremy Clark?
14		Yes (Verdict for Gilead) No (Verdict for Merck and Ionis)
15	4	
16	4.	Has Gilead proven by clear and convincing evidence that Claim 3 of the '712 Patent is invalid for prior invention by Jeremy Clark?
17		Yes (Verdict for Gilead) No (Verdict for Merck and Ionis)
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1	D.	(Claim 5.	
2		1.	Has Gilead proven by clear and convince invalid for lack of written description?	ncing evidence that Claim 5 of the '712 patent is
3 4			Yes (Verdict for Gilead)	No (Verdict for Merck and Ionis)
5		2.	Has Gilead proven by clear and convi	ncing evidence that Claim 5 of the '712 patent is
6		2.	invalid for lack of enablement?	neing evidence that Claim 3 of the 712 patent is
7			Yes (Verdict for Gilead)	No (Verdict for Merck and Ionis)
8				
9			If "YES"	If "NO"
10			to Questions 1 and/or 2, answer Questions 3 and 4	to both Questions 1 and 2, skip Questions 3 and 4
11			and go to the next claim.	and go to the next claim.
12		3.	Has Gilead proven by clear and convi	ncing evidence that Claim 5 of the '712 Patent is
13		٥.	invalid for derivation from Jeremy Cla	
14			Yes (Verdict for Gilead)	No (Verdict for Merck and Ionis)
15		4	W C'l l l l l l l	
16		4.	invalid for prior invention by Jeremy (ncing evidence that Claim 5 of the '712 Patent is Clark?
17			Yes (Verdict for Gilead)	No (Verdict for Merck and Ionis)
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1	E.	Claim 7.
2	1.	Has Gilead proven by clear and convincing evidence that Claim 7 of the '712 patent is invalid for lack of written description?
3 4		Yes (Verdict for Gilead) No (Verdict for Merck and Ionis)
5	2.	Has Gilead proven by clear and convincing evidence that Claim 7 of the '712 patent is invalid for lack of enablement?
6 7		Yes (Verdict for Gilead) No (Verdict for Merck and Ionis)
8		
9		If "YES" If "NO" to Questions 1 and/or 2, to both Questions 1 and 2, whip Questions 2 and 4
11		answer Questions 3 and 4 skip Questions 3 and 4 and go to the next claim.
12		
13	3.	Has Gilead proven by clear and convincing evidence that Claim 7 of the '712 Patent is invalid for derivation from Jeremy Clark?
14		Yes (Verdict for Gilead) No (Verdict for Merck and Ionis)
15 16	4.	Has Gilead proven by clear and convincing evidence that Claim 7 of the '712 Patent is invalid for prior invention by Jeremy Clark?
17		Yes (Verdict for Gilead) No (Verdict for Merck and Ionis)
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1	F.	Claim 9.
2	1.	Has Gilead proven by clear and convincing evidence that Claim 9 of the '712 patent is invalid for lack of written description?
3 4		Yes (Verdict for Gilead) No (Verdict for Merck and Ionis)
5	2.	Has Gilead proven by clear and convincing evidence that Claim 9 of the '712 patent is
6		invalid for lack of enablement?
7		Yes (Verdict for Gilead) No (Verdict for Merck and Ionis)
8	_	
9		If "YES" If "NO" to Questions 1 and/or 2, to both Questions 1 and 2,
10		answer Questions 3 and 4 skip Questions 3 and 4 and go to the next claim.
11	_	ana go to the next claim.
12	3.	Has Gilead proven by clear and convincing evidence that Claim 9 of the '712 Patent is
13		invalid for derivation from Jeremy Clark?
14		Yes (Verdict for Gilead) No (Verdict for Merck and Ionis)
15	4	
16	4.	Has Gilead proven by clear and convincing evidence that Claim 9 of the '712 Patent is invalid for prior invention by Jeremy Clark?
17		Yes (Verdict for Gilead) No (Verdict for Merck and Ionis)
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G.	C	Claim 10.	
	1.	Has Gilead proven by clear and convi invalid for lack of written description	ncing evidence that Claim 10 of the '712 pa'?
		Yes (Verdict for Gilead)	No (Verdict for Merck and Ionis)
	2.	Has Gilead proven by clear and conviinvalid for lack of enablement?	ncing evidence that Claim 10 of the '712 pa
		Yes (Verdict for Gilead)	No (Verdict for Merck and Ionis)
		If "YES" to Questions 1 and/or 2, answer Questions 3 and 4	If "NO" to both Questions 1 and 2, skip Questions 3 and 4
		and go to the next claim.	and go to the next claim.
	3.	Has Gilead proven by clear and convi	ncing evidence that Claim 10 of the '712 Pa
	<i>J</i> .	invalid for derivation from Jeremy Cla	
		Yes (Verdict for Gilead)	No (Verdict for Merck and Ionis)
		1 65 (
	4.	Has Gilead proven by clear and convi invalid for prior invention by Jeremy	ncing evidence that Claim 10 of the '712 Pa Clark?
		Yes (Verdict for Gilead)	No (Verdict for Merck and Ionis)

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1	Н.	Claim 11.
2	1.	Has Gilead proven by clear and convincing evidence that Claim 11 of the '712 patent is invalid for lack of written description?
3 4		Yes (Verdict for Gilead) No (Verdict for Merck and Ionis)
5	2.	Has Gilead proven by clear and convincing evidence that Claim 11 of the '712 patent is invalid for lack of enablement?
7		Yes (Verdict for Gilead) No (Verdict for Merck and Ionis)
8 9 10		If "YES" to Questions 1 and/or 2, answer Questions 3 and 4 and go to the next claim. If "NO" to both Questions 1 and 2, skip Questions 3 and 4 and go to the next claim.
11 12 13	3.	Has Gilead proven by clear and convincing evidence that Claim 11 of the '712 Patent is invalid for derivation from Jeremy Clark?
14 15		Yes (Verdict for Gilead) No (Verdict for Merck and Ionis)
16	4.	Has Gilead proven by clear and convincing evidence that Claim 11 of the '712 Patent is invalid for prior invention by Jeremy Clark?
17 18		Yes (Verdict for Gilead) No (Verdict for Merck and Ionis)
19 20 21 22	reflects your u in the spaces b	ave now reached the end of the verdict form and should review it to ensure it accurately nanimous determinations. The Presiding Juror should then sign and date the verdict form selow and notify the Security Guard that you have reached a verdict. The Presiding Juror possession of the verdict form and bring it when the jury is brought back into the
23 24	Dated: Ma	rch, 2016 Presiding Juror
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		11 VERDICT FORM / CASE NO. 5:13-CV-04057-BLF